

# **REGULAR MEETING**

**February 14, 2000**

The Regular Meeting of the Annapolis City Council was held on February 14, 2000 in the Council Chamber. Scott Dylan Simpson rang the bell to denote the 7:30 p.m. start time for the meeting. Mayor Johnson called the meeting to order at 7:38 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Police Chief Johnson

Mayor Johnson presented a "Distinguished Citizen" certificate to the following individuals:

Paul Thompson  
Patricia Crosland

George Phelps, Jr.  
Joseph S. Johnson

Anita Tyler

Alderman Sachs moved to approve the Minutes of January 10, 2000 and January 24, 2000. Seconded. CARRIED on voice vote.

## **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Linnell Bowen, Executive Director,  
Maryland Hall for Creative Arts  
362 Broadview Lane  
Annapolis, MD 21401

Dr. Dennis Younger, President,  
Board of Maryland Hall for Creative Arts  
137 Downing Drive  
Severna Park, MD 21146

Gave a presentation on Maryland Hall for Creative Arts.

2. Paul Lebow  
One Less Car  
708 Springdale Avenue  
Annapolis, MD 21403

Spoke in favor of R-1-2000.

3. Cecil Knighton  
47 Southgate Avenue  
Annapolis, MD 21401

Spoke regarding the proposed parking facility at Colonial Avenue and West Street.

4. Arthur Kungle, Jr.  
Box 365  
Annapolis, MD 21404

Spoke regarding historical events and the Liberty Tree located in Boston.

5. Erich Rose  
Ward One Inner West Street Committee  
62 Southgate Avenue  
Annapolis, MD 21401

Spoke in favor of R-7-2000.

6. Robert Eades  
144 O'Bery Court  
Annapolis, MD 21401

Spoke in opposition to the loitering legislation.

7. Tom Corboy  
16 Spa View Circle  
Annapolis, MD 21401

Spoke regarding the proposed parking facility at Colonial Avenue and West Street.

8. Jim Martin  
Inner West Street Association  
29 Bristol Drive  
Annapolis, MD 21401

Spoke in favor of R-7-00.

9. Brian Callahan  
262 King George Street  
Annapolis, MD 21401

Spoke regarding R-7-00.

10. Parris Lane  
72 Southgate Avenue  
Annapolis, MD 21401

Spoke in favor of R-7-00.

There being no voiced objection, the order of the agenda was revised.

## **LEGISLATIVE ACTION**

### **ORDINANCES**

- O-17-99 For the purpose of revising and transferring certain duties of the Public Works Department and the Planning and Zoning Department; correcting references to duties of the City Clerk which are currently handled by other directors; revising duties of the Central Services Officer; and all matters relating to said departments.**

Alderman Sachs moved to adopt O17-99 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Sachs, McMillan, Fox  
NAYS: Aldermen Hammond, Tolliver, Gilmer, Carter, Moyer  
DEFEATED: 5-4

- O-12-99 **For the purpose of revising and updating the Fire Prevention Code of the City of Annapolis; deleting from the Fire Prevention Code requirements related to the removal of underground tanks (to be transferred to Chapter 17.22); requiring a sprinkler contractors license; providing that certain appeals shall be taken and certain penalties shall be assessed under the State of Maryland Fire Prevention Code rather than this Code; transferring certain authority from the Department of Public Works to the Department of Planning and Zoning; and all matters relating to the Fire Prevention Code.**

Alderman Sachs moved to adopt O-12-99 on second reading. Seconded.

Alderman Tolliver moved to amend O-12-99 as follows:

Amendment No. 1:

On Page 1, line 19, strike beginning with “transferring” through and including the semicolon on line 20.

Amendment No. 2:

On Page 3, line 13, strike “planning and zoning” and substitute “public works”.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Tolliver moved to adopt O-12-99 as amended on third reading. Seconded. CARRIED on voice vote.

- O-21-99 **For the purpose of establishing certain requirements pertaining to petroleum storage facilities; establishing that fees related to such facilities shall be set by resolution; establishing enforcement and appeals procedures related to such facilities; transferring certain authority to the Department of Planning and Zoning; and all matters relating to said petroleum storage facilities.**

Alderman Fox moved to adopt O-21-99 on second reading. Seconded.

The Finance Committee reported favorably on O-21-99.

The Public Safety Committee reported favorably with amendments on O-21-99.

Alderman Hammond moved to amend O-21-99 as follows:

Amendment No. 1:

On Page 1, line 17, strike beginning with “transferring” through and including the semicolon.

Amendment No. 2:

In each instance, strike “planning and zoning” and substitute “public works” as follows:

Page 1:	lines 43, 44
Page 2:	lines 11, 19, 40
Page 3:	lines 01, 20, 23, 24, 30, 35
Page 4:	lines 11, 13, 18, 25, 44
Page 5:	lines 07, 09, 22

Page 6: lines 28, 29, 36

Page 7: lines 02, 07, 28

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-21-99 as amended on third reading. Seconded. CARRIED on voice vote.

**O-16-99 For the purpose of establishing that certain fees and charges shall be set by resolution of the City Council; deleting certain out-dated provisions that apply to fees that are no longer charged; deleting references in the City Code to certain fees that will be included in a fee schedule resolution; establishing certain new fees and charges; and all matters relating to said fees and charges.**

Alderman Fox moved to adopt O-16-99 on second reading. Seconded.

Alderman Tolliver moved to amend O-16-99 as follows:

Amendment No. 1:

On page1, at the end of line 16, insert "providing for the annual adoption of a schedule of fees set by resolution;" (As follows:)

FOR the purpose of establishing that certain fees and charges shall be set by resolution of the City Council; deleting certain out-dated provisions that apply to fees that are no longer charged; deleting references in the City Code to certain fees that will be included in a fee schedule resolution; establishing certain new fees and charges; providing for the annual adoption of a schedule of fees set by resolution; and all matters relating to said fees and charges.

Amendment No. 2:

On page 2, after line 14, insert

By adding new  
Title 6 – Revenue and Finances  
Chapter 6.16 – Budget  
Section 6.16.050

Amendment No. 3:

On page 12, after line 20, insert the following:

Sec. 6.16.050 Adoption of a Schedule of Fees Established by Resolution

A. Concurrent with the submission of the proposed annual budget, the Mayor shall submit to the city council a proposed schedule of those fees set by resolution, a document summarizing the current and proposed fees, and a proposed resolution by which the proposed fees are to be adopted.

B. The proposed fee schedule shall be referred to the Finance Committee and to each committee responsible for review of legislation pertinent to those programs in which fees are to be assessed.

C. The Mayor shall include any resolution proposing new fees on a public hearing agenda.

D. On or before June 30<sup>th</sup>, the city council shall approve a schedule of fees which are set by resolution for the ensuing fiscal year.

Seconded. CARRIED on voice vote.

Alderman Tolliver moved to amend O-16-99 as follows:

Amendment No. 1:

On Page 7, strike lines 1 through 6 in their entirety; and on Page 29, strike lines 36 through and including line 26 on Page 30; and on that same page, remove lines 28 through 31 in their entirety.

Amendment No. 2:

On Page 7, line 11, remove "16.16.010A. and"; and on Page 30 remove lines 33 through 37 in their entirety.

Amendment No. 3:

On Page 23, line 26, strike "the further sum"; and on that same page and line, immediately following "~~dollars~~" add "a license fee"; and on that same page, line 28, immediately following "each year," strike "the" and substitute "a"; on that same page and line, immediately following "sum" strike "of".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-16-99 as amended on third reading. Seconded. CARRIED on voice vote.

**O-24-99 For the purpose of revising the water and sewer rates for the City  
Revised of Annapolis; and all matters relating to said water and sewer rates.**

There being no voiced objection, O-24-99 Revised was postponed.

**O-41-99 For the purpose of clarifying that the Annapolis Planning Commission's review of text amendments to Title 21 of the City Code shall be limited to those amendments changing the zoning classification of any property; and matters generally relating to said text amendments.**

There being no voiced objection, O-41-99 was withdrawn.

**O-4-00 For the purpose of amending the configuration of the Annapolis harbor line outboard of 1 Shipwright Street on Spa Creek; and all matters relating to said harbor line.**

Alderman Hammond moved to adopt O-4-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and Port Wardens.

**O-5-00 For the purpose of establishing a program to fund the acquisition of artwork by the City and the display of the artwork in public places throughout the City; and all matters generally relating to said program.**

Alderman Hammond moved to adopt O-5-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

**O-6-00 For the purpose of amending the critical area overlay requirements of the City Code to reflect State Critical Area requirements; and all matters relating to said critical area.**

Alderman Hammond moved to adopt O-6-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

## **RESOLUTIONS**

**R-4-99 For the purpose of approving the fee schedule pursuant to O-16-99; establishing certain new fees as provided by O-12-99 and O-21-99; and all matters relating to said fee schedule.**

Alderman Sachs moved to adopt R-4-99 on second reading. Seconded. CARRIED on voice vote.

**R-1-00 For the purpose of establishing a free community bike program to promote intra-city travel by bicycle; and all matters relating to said program.**

Alderman Tolliver moved to adopt R-1-00 on second reading. Seconded.

Alderman Tolliver moved to amend R-1-00 as follows:

On Page 1, line 13, strike "establishing" and substitute "endorsing the establishment of".

Seconded. CARRIED on voice vote.

Alderman Tolliver moved to amend R-1-00 as follows:

On Page 2, line 3, immediately following "program" add "and propose a program to the City Council by July, 2000".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

**R-2-00 For the purpose of designating the neighborhood known as Newtowne Twenty in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-2-00 on second reading. Seconded.

Alderman Gilmer moved to postpone action until March 13, 2000. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Tolliver, Gilmer  
NAYS: Mayor Johnson, Aldermen Hammond, Sachs, McMillan, Carter, Fox,  
Moyer  
DEFEATED: 7-2

Alderman McMillan moved to amend R-2-00 as follows:

On Page 1, amend lines 34 through 38 as follows:

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the neighborhood known as Newtowne Twenty (as shown on Exhibit B hereto) ~~which includes the Community Building, Betsy Court and Brooke Court, and all open space and grounds within the neighborhood,~~ is designated a Drug-Loitering Free Zone. The City shall post the Zone with signs identifying the Drug-Loitering Free Zone hereby created.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

**R-3-00 For the purpose of designating the neighborhood known as Robinwood in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-3-00 on first reading. Seconded. CARRIED on voice vote.

**R-4-00 For the purpose of designating a certain area located within five hundred feet of 24 Pleasant Street in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman Hammond moved to adopt R-4-00 on first reading. Seconded. CARRIED on voice vote.

**R-5-00 For the purpose of designating areas located within five hundred feet of 1003 Monroe Street in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-5-00 on first reading. Seconded. CARRIED on voice vote.

**R-6-00 For the purpose of approving amendments to the job descriptions for the civil service positions in the Department of Transportation of Fleet Mechanic, Fleet Mechanic Supervisor and Transportation Superintendent; creating a new civil service position known as Marketing Specialist; eliminating the existing civil service position of Deputy Transportation Director; establishing the pay grade for said job descriptions; and all matters relating to said job descriptions and pay grades.**

Alderman Sachs moved to adopt R-6-00 on first reading. Seconded. CARRIED on voice vote.

**R-7-00 For the purpose of developing an action plan for a mixed use parking facility at Colonial Avenue and West Street; and all matters relating to said action plan.**

Alderman Hammond moved to adopt R-7-00 on first reading. Seconded.

Alderman Moyer moved to amend R-7-00 as follows:

On Page 2, amend lines 38 through 40 as follows:

The recommendations shall be made to the Annapolis City Council prior to the Council's approval of a site development plan and report to the City Council not later than June 15, 2000.

Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend R-7-00 as follows:

On Page 3, strike lines 6 through 13 in their entirety.

Seconded. CARRIED on voice vote.

Alderman McMillan moved to amend R-7-00 as follows:

On Page 2, strike line 31 in its entirety and substitute the following:

Whether or not any of the structures should be rehabilitated, taking into account expenses, practicability and historical significance, if any.

Seconded. DEFEATED on voice vote.

The main motion as amended CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

**1. Civil Service Board Recommendations for Action dated December 20, 1999**

There being no voiced objection, action was postponed.

**2. Finance Committee Recommendations for Action dated January 19, 2000**

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated January 19, 2000. Seconded.

Alderman Tolliver moved to vote separately on CT-2-00. Seconded. CARRIED on voice vote.

The main motion, with the exception of CT-2-00, CARRIED on voice vote.

Alderman Sachs moved to approve CT-2-00. Seconded. CARRIED on voice vote.

**3. Payment of Monthly Bills**

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

**4. Appointments**

Alderman Gilmer moved to confirm the following reappointment as set forth in the Mayor's Memorandum dated February 9, 2000:

Board of Appeals . . . . . Judith Billage

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:20 p.m.

Patricia L. Bembe, MMC,  
City Clerk